

cc: PLAINTEXT

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE \_\_\_\_\_ DISTRICT OF Hawaii  
\_\_\_\_\_ DIVISION

(Write the District and Division, if any, of  
the court in which the complaint is filed.)

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

SEP 30 2020

Telicia Blythe

(Write the full name of each plaintiff who is filing  
this complaint. If the names of all the plaintiffs  
cannot fit in the space above, please write "see  
attached" in the space and attach an additional  
page with the full list of names.)

-against-

Walmart Corporation

(Write the full name of each defendant who is  
being sued. If the names of all the defendants  
cannot fit in the space above, please write "see  
attached" in the space and attach an additional  
page with the full list of names.)

at 2 o'clock and 30 min. PM  
MICHELLE RYNNE, CLERK w

Complaint for a Civil Case Alleging "IFP SUBM"

Negligence

(28 U.S.C. § 1332; Diversity of  
Citizenship)

Case No. **C V20 00415 RT**

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No  
(check one)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Telicia Blythe</u>
Street Address	<u>462 Hiliwai St.</u>
City and County	<u>Wailuku, Maui County</u>
State and Zip Code	<u>Hawaii 96793</u>
Telephone Number	<u>808-793-7360</u>
E-mail Address	<u>teliciablythe@yahoo.com</u>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	<u>Walmart Corporation</u>
Job or Title (if known)	<u>Headquarters</u>
Street Address	<u>702 Southwest 8th St.</u>
City and County	<u>Bentonville</u>
State and Zip Code	<u>Arkansas</u>
Telephone Number	<u>501-273-4000</u>
E-mail Address (if known)	<u></u>

**Defendant No. 2**

*Alternate contact info for Defendant No. 1.*

Name	<u>Walmart Corporation</u>
Job or Title (if known)	<u>Local Store</u>
Street Address	<u>101 Pakaula St.</u>
City and County	<u>Kahului, Maui</u>

State and Zip Code Hawaii, 96732  
 Telephone Number 808-871-7820  
 E-mail Address \_\_\_\_\_  
 (if known) \_\_\_\_\_

## Defendant No. 3

Name \_\_\_\_\_  
 Job or Title \_\_\_\_\_  
 (if known) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City and County \_\_\_\_\_  
 State and Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 E-mail Address \_\_\_\_\_  
 (if known) \_\_\_\_\_

## Defendant No. 4

Name \_\_\_\_\_  
 Job or Title \_\_\_\_\_  
 (if known) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City and County \_\_\_\_\_  
 State and Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 E-mail Address \_\_\_\_\_  
 (if known) \_\_\_\_\_

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

**A. The Plaintiff(s)**

1. If the plaintiff is an individual

The plaintiff, (name) Telicia Blythe is a citizen of the State of (name) Hawaii.

2. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**B. The Defendant(s)**

1. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_. Or is a citizen of (foreign nation) \_\_\_\_\_.

2. If the defendant is a corporation

The defendant, (name) Walmart, is incorporated under the laws of the State of (name) Delaware, and has its principal place of business in the State of (name) Arkansas. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

**C. The Amount in Controversy**

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Amount is over \$75,000 because it has  
caused an immense amount of suffering and it  
could have been avoided.

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On (date) 10/4/2018<sup>2018 11/5</sup> at (place) Walmart in Maui, Hawaii,  
 the defendant(s): (1) performed acts that a person of ordinary prudence in the same or similar circumstances would not have done; or (2) failed to perform acts that a person of ordinary prudence would have done under the same or similar circumstances because  
 (describe the acts or failures to act and why they were negligent)

There was a liquid of some sort on the ground  
in a dark area. Walmart did not make sure this  
area was cleaned up or marked unsafe, even though  
they were made aware of the fluid before I fell there  
(according to a worker).

The acts or omissions caused or contributed to the cause of the plaintiff's injuries by  
 (explain)

this lack of action caused my injuries (due to falling).  
because there was no lighting, signage, or rope in that  
area, I slipped and fell. This caused a deterioration of  
my joints and has left me in a lot of pain. Eventually  
I became partially immobilized, unable to work and in a wheelchair.

### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages

claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

*for several months of physical and occupational therapy, several doctor appointments, Diminished Earning capacity (over the next 20 years) I am requesting 2.7 million Dollars, 1 million Dollars in punitive damages for negligence, 500 thousand for pain and suffering, mental anguish and because I am/was subjected to deliberate indifference during reporting and investigation, As well as being wheelchair bound most of the time. Also, for being accused falsely by store personnel*

V. **Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Sept. 28, 2020

Signature of Plaintiff

Printed Name of Plaintiff

*Telicia Blythe*  
Telicia Blythe

**B. For Attorneys**

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_